



October 18, 2023

Mayor and City Commissioners
501 Harrison Avenue
Panama City, FL 32401

Re: Ordinance 3180 Downtown Panama City Social District

Dear Mayor and Commissioners:

Attached for your consideration is Ordinance 3180 regarding Downtown Panama City Social District, Exhibit A. Staff's recommendation is to discuss the ordinance, have a first reading and public hearing.

The Downtown Improvement Board (the "DIB") requested that the attached ordinance be approved at the last Commission Meeting. Cole Davis, attorney for the DIB, prepared the attached draft after the DIB met on Friday, October 13, 2023. There are very few changes from the first draft Cole provided and the second. See attached Exhibit B, Redline of DIB Draft.

Staff has circulated the draft ordinance and made a few modifications. See attached Exhibit C, Redline of Staff Draft.

Sincerely yours,

Natalie A. McSwane,
Chief Assistant City Attorney

cc: Brandy Waldron, Interim City Manager
Jan Smith, Clerk-Treasurer
Cole Davis, Attorney for DIB

LES W. BURKE °
ROB BLUE, JR.
EDWARD A. HUTCHISON, JR.
DOUGLAS L. SMITH +
NEVIN J. ZIMMERMAN
MICHAEL S. BURKE
JOY MARLER MASTERS ++
CLARK T. ROGERS
NATALIE A. MCSWANE
DANIEL S. ROSENHEIM
GREGORY J. PHILO
JESSICA L. STEWART
KELLIANNE C. BARKLEY ***
JON GRONBECK
TRISTAN LANASA
MATT HUTT
GRAHAM CLARKE °*+++ ♦
WILLIAM C. HENRY °**
SANDRA A. WILSON °
CAROLINE LACOUR SMITH °

° OF COUNSEL
* ALSO ADMITTED IN GEORGIA
** ALSO ADMITTED IN NEW YORK
*** ALSO ADMITTED IN ALABAMA
+ CERTIFIED CIRCUIT COURT MEDIATOR
++ L.L.M. IN TAXATION
+++ CERTIFIED FAMILY MEDIATOR
♦ BOARD CERTIFIED MARITAL &
FAMILY LAW ATTORNEY

Exhibit A

ORDINANCE NO. 3180

AN ORDINANCE OF THE CITY OF PANAMA CITY, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO SPECIAL TREATMENT ZONES AND OVERLAYS; CREATING THE DOWNTOWN PANAMA CITY SOCIAL DISTRICT; PROVIDING FOR EXCEPTIONS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Panama City finds that a designated specialty center in the downtown area would encourage development and growth, foster community cooperation, and encourage mutually sponsored events among the downtown merchants; and

WHEREAS, the City of Panama City desires to adopt codes and regulations that will encourage the development of businesses and commerce within the City; and

WHEREAS, the City of Panama City desires to amend the land development code and the municipal code to enhance and further the goals outlined above; and

WHEREAS, the City of Panama City hereby finds and determines that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the public health, safety, morals and welfare of the public.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PANAMA CITY:

SECTION 1. From and after the effective date of this ordinance, Chapter 3 Section 3 of the Code of Ordinances of the City of Panama City, related to Alcoholic Beverages is amended to read as follows (new text **bold and underlined**, deleted text ~~striketrough~~):

Sec. 3-3. Possession, consumption, sale or purchase of alcoholic beverages on public properties or public ways.

- (a) *Possession, consumption, sale or purchase of alcoholic beverages prohibited.* It shall be unlawful for any individual or entity to possess an open container containing an alcoholic beverage or to consume, purchase or sell an alcoholic beverage in or on any public way within the municipal limits of the city, unless an exception hereto is approved in advance by the city commission; provided, however, that the exception contained herein, if approved, shall not be considered to limit the enforcement of F.S. § 316.193.
- (b) *Exceptions.* A request for an exception shall be made simultaneously with a request for use of the public way. Any individual or entity possessing, consuming, purchasing or selling alcoholic beverages pursuant to city commission approval shall do so only in designated areas and only during designated time periods and shall do so in full compliance with all municipal and state laws and regulations.
- (c) *Additional rules.* The chief of police or his designee shall compose rules regulating the approved use of alcoholic beverages in or upon public ways and submit them to the city commission for approval. Such rules shall automatically become a part of this section by reference. Amendments to the rules shall be subject to city commission approval.
- (d) **Downtown Panama City Social District Exception. Alcoholic beverages may be possessed and consumed within the boundaries of the Downtown Panama City Social District, as defined in Section 104-68 of the City's unified Land Development Code, as long as the possession and consumption is in compliance with the regulations set forth in that section.**

SECTION 2. From and after the effective date of this ordinance, Chapter 3 Section 4 of the Code of Ordinances of the City of Panama City, related to Alcoholic Beverages is amended to read as follows (new text **bold and**

underlined, deleted text ~~striketrough~~):

Sec. 3-4. Possession or consumption of alcoholic beverages in commercial parking lots; civil penalties.

- (a) It shall be unlawful for any person to possess an open container of any alcoholic beverage or substance or to drink or otherwise consume any alcoholic beverage or substance within the confines of any commercial parking lot located within the city, unless the parking lot is properly permitted for such possession and consumption by state license or approved city special event permit. "Commercial parking lot" shall mean a parking lot or vehicular use area associated with a commercial activity or business use.
- (b) Any person violating any of the provisions of this section shall be guilty of an offense and subject to the penalties provided for in section 1-8 of this Code.
- (c) **Downtown Panama City Social District Exception. Open containers of alcoholic beverages may be possessed and consumed within the boundaries of the Downtown Panama City Social District, as defined in Section 104-68 of the City's unified Land Development Code, as long as the possession and consumption is in compliance with the regulations set forth in that section.**

SECTION 3. From and after the effective date of this ordinance, Chapter 17, Article I, Section 5 of the Code of Ordinances of the City of Panama City, related to Alcoholic Consumption is amended to read as follows (new text **bold and underlined**, deleted text ~~striketrough~~):

Sec. 17-5. Alcohol consumption on public title properties and buildings prohibited.

- (a) "*Alcoholic beverage*" means all beverages containing more than one percent of alcohol by weight;
- (b) The manufacturer's label on the beverage container shall be prima facie evidence that the substance in such container was and is an alcoholic beverage as defined in this section;
- (c) Any person or persons who by experience in the past in the handling or use of alcoholic beverages, or who by taste, smell, or the drinking of such beverages has knowledge as to the alcoholic nature thereof, may testify as to his opinion whether such beverage is or is not alcoholic;

- (d) Without permission of the city by permit, licensure or otherwise it is unlawful for person or entity to possess an open container having alcohol therein or to consume, purchase or sell or distribute an alcoholic beverage in or on public properties, i.e., streets, sidewalks, marinas, parks, building and other public venues. Public properties would include premises leased by city.
- (e) **Downtown Panama City Social District Exception. Open containers of alcoholic beverages may be possessed and consumed within the boundaries of the Downtown Panama City Social District, as defined in Section 104-68 of the City's unified Land Development Code, as long as the possession and consumption is in compliance with the regulations set forth in that section.**

SECTION 4. From and after the effective date of this ordinance, Chapter 104, Article III, Section 68 of the Unified Land Development Code of the City of Panama City, related to Special Treatment Zones and Overlays is created to read as follows:

Sec. 104-68. – Downtown Panama City Social District

A. - Definitions.

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Alcoholic Beverage* means distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume.
2. *Approved Container* means a plastic, paper, or composite container of an alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken, that either bears the Downtown Improvement Board logo, or has an approved adhesive sticker approved by the Downtown Improvement Board affixed to it, holds a volume of not more than (16) ounces and has been approved by the Downtown Improvement Board for use in the Downtown Panama City Social District
3. *Downtown Panama City Social District* (the "DPCSD") means the area of real property as shown on Exhibit A.
4. *Licensed Premises* means the area, rooms or other spaces of any property which are licensed by the State of Florida for the storage, sale, or dispensing of alcoholic beverages.

5. *Licensee* means a legal or business entity, person, or persons that hold a license issued by the State of Florida for the sale of alcoholic beverages.
6. *Open container* means any container of an alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken.

B. Creation of Downtown Panama City Social District. Pursuant to section 561.20(2)(b), Florida Statutes, the City does hereby create and establish a Specialty Center, to be known as the Downtown Panama City Social District, as that term is defined by the Florida Statutes around the area set forth and designated on Exhibit "A".

C. Regulation of Alcoholic Beverages within Downtown Panama City Social District. Possession and consumption of alcoholic beverages with the Downtown Panama City Social District shall be subject to the following regulations.

1. Hours. A person who legally obtains an alcoholic beverage from a Licensed Premise within the Downtown Panama City Social District may possess and consume the alcoholic beverage in an Approved Container within the boundaries of the Downtown Panama City Social District between the hours of 9:00 a.m. to 11:59 p.m. the same day.
2. Entry into Businesses. A person with an alcoholic beverage in an Approved Container may enter an open business within the boundaries of the DPCSD with an Approved Container only if that business allows patrons with Open Container upon its premises. Any business which permits a person to enter its premise with an Open Container shall conspicuously display signage indicating such permission on all points of public egress. A person with an Approved Container may not enter a Licensed Premise.
3. Two Container Maximum. A person may not possess or consume more than two (2) Approved Containers at any given time.
4. Prohibited Consumption Areas: Except when permitted pursuant to the terms of a Special Event Permit pursuant to Chapter 17 of the City's Code of Ordinance, no person shall possess or consumer alcoholic beverages within the boundaries of:
 - i. Any public park which is included in the boundaries of the DPCSD.
 - ii. Any unimproved property within the boundaries of the DPCSD without the express permission of the property owner.
5. No Outside Beverages. No alcoholic beverage may be possessed or consumed within the DPCSD unless it has been purchased from a Licensed Premise and is contained in an Approved Open Container bearing an adhesive sticker approved by the Downtown Improvement Board.

D. Enforcement

- a. Unless done in strict compliance with the provisions of this section, any open container or consumption of alcoholic beverages within the DPCSD shall be unlawful and a violation of this section.
- b. The City finds that a violation of any section of this section presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.
- c. A violation of this section shall be subject to the following fines:
 - i. If the violation is the first offense, a person or business shall receive a civil fine of two hundred fifty dollars (\$250.00);
 - ii. If the violation is the second violation within the preceding six (6) months, a person or business shall receive a civil fine of five hundred dollars (\$500.00);
 - iii. If the violation is the third or subsequent violation within the preceding twelve months (12) months, a person or business shall receive a civil fine of one thousand dollars (\$1,000.00).

SECTION 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 7. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City

Commission of the City of Panama City, Florida, this ____day of _____,
2023.

MAYOR

ATTEST:

CITY CLERK

Exhibit B

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF PANAMA CITY, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO SPECIAL TREATMENT ZONES AND OVERLAYS; CREATING THE ~~BAYFRONT~~—DOWNTOWN ~~SPECIALTY CENTER~~PANAMA CITY SOCIAL DISTRICT; PROVIDING FOR EXCEPTIONS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PANAMA CITY:

SECTION 1. From and after the effective date of this ordinance, Chapter 3 Section 3 of the Code of Ordinances of the City of Panama City, related to Alcoholic Beverages is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 3-3. Possession, consumption, sale or purchase of alcoholic beverages on public properties or public ways.

- (a) *Possession, consumption, sale or purchase of alcoholic beverages prohibited.* It shall be unlawful for any individual or entity to possess an open container containing an alcoholic beverage or to consume, purchase or sell an alcoholic beverage in or on any public way within the municipal limits of the city, unless an exception hereto is approved in advance by the city commission; provided, however, that the exception contained herein, if approved, shall not be considered to limit the enforcement of F.S. § 316.193.
- (b) *Exceptions.* A request for an exception shall be made simultaneously with a request for use of the public way. Any individual or entity possessing, consuming, purchasing or selling alcoholic beverages pursuant to city commission approval shall do so only in designated areas and only during designated time periods and shall do so in full compliance with all municipal and state laws and regulations.

- (c) *Additional rules.* The chief of police or his designee shall compose rules regulating the approved use of alcoholic beverages in or upon public ways and submit them to the city commission for approval. Such rules shall automatically become a part of this section by reference. Amendments to the rules shall be subject to city commission approval.
- (d) ~~**Bayfront Downtown Specialty Center Panama City Social District Exception.**~~ **Alcoholic beverages may be possessed and consumed within the boundaries of the Bayfront Downtown Specialty Center Panama City Social District, as defined in Section 104-68 of the City's unified Land Development Code, as long as the possession and consumption is in compliance with the regulations set forth in that section.**

SECTION 2. From and after the effective date of this ordinance, Chapter 3 Section 4 of the Code of Ordinances of the City of Panama City, related to Alcoholic Beverages is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 3-4. Possession or consumption of alcoholic beverages in commercial parking lots; civil penalties.

- (a) It shall be unlawful for any person to possess an open container of any alcoholic beverage or substance or to drink or otherwise consume any alcoholic beverage or substance within the confines of any commercial parking lot located within the city, unless the parking lot is properly permitted for such possession and consumption by state license or approved city special event permit. "Commercial parking lot" shall mean a parking lot or vehicular use area associated with a commercial activity or business use.
- (b) Any person violating any of the provisions of this section shall be guilty of an offense and subject to the penalties provided for in section 1-8 of this Code.
- (c) ~~**Bayfront Downtown Specialty Center Panama City Social District Exception.**~~ **Open containers of alcoholic beverages may be possessed and consumed within the boundaries of the Bayfront Downtown Specialty Center Panama City Social District, as defined in Section 104-68 of the City's unified Land Development Code, as long as the possession and consumption is in compliance with the regulations set forth in that section.**

SECTION 3. From and after the effective date of this ordinance, Chapter 17 Section 5 of the Code of Ordinances of the City of Panama City, related to Alcoholic Consumption is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 17-5. Alcohol consumption on public title properties and buildings prohibited.

- (a) *"Alcoholic beverage"* means all beverages containing more than one percent of alcohol by weight;
- (b) The manufacturer's label on the beverage container shall be prima facie evidence that the substance in such container was and is an alcoholic beverage as defined in this section;
- (c) Any person or persons who by experience in the past in the handling or use of alcoholic beverages, or who by taste, smell, or the drinking of such beverages has knowledge as to the alcoholic nature thereof, may testify as to his opinion whether such beverage is or is not alcoholic;
- (d) Without permission of the city by permit, licensure or otherwise it is unlawful for person or entity to possess an open container having alcohol therein or to consume, purchase or sell or distribute an alcoholic beverage in or on public properties, i.e., streets, sidewalks, marinas, parks, building and other public venues. Public properties would include premises leased by city.
- (e) **~~Bayfront Downtown Specialty Center~~Panama City Social District Exception. Open containers of alcoholic beverages may be possessed and consumed within the boundaries of the ~~Bayfront Downtown Specialty Center~~Panama City Social District, as defined in Section 104-68 of the City's unified Land Development Code, as long as the possession and consumption is in compliance with the regulations set forth in that section.**

SECTION 4. From and after the effective date of this ordinance, Chapter 104, Section 68 of the Unified Land Development Code of the City of Panama City, related to Specialty Centers and Overlays is created to read as follows:

Sec. 104-68. – ~~Bayfront Downtown Specialty Center~~Panama City Social District

A. - Definitions.

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Alcoholic Beverage* means distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume.
2. *Approved Container* means a plastic, paper, or composite container of an alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken, that either bears the Downtown Improvement Board logo, or has an approved ~~time-stamped~~ adhesive sticker approved by the Downtown Improvement Board affixed to it, holds a volume of not more than (16) ounces and has been approved by the Downtown Improvement Board for use in the ~~Bayfront~~ Downtown Specialty Center Panama City Social District.
3. ~~Bayfront~~ Downtown Specialty Center Panama City Social District (the "~~BDSCDPCSD~~") means the area of real property as shown on Exhibit A.
4. *Licensed Premises* means the area, rooms or other spaces of any property which are licensed by the State of Florida for the storage, sale, or dispensing of alcoholic beverages.
5. *Licensee* means a legal or business entity, person, or persons that hold a license issued by the State of Florida for the sale of alcoholic beverages.
6. *Open container* means any container of an alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken.

B. Creation of ~~Bayfront~~ Downtown Specialty Center Panama City Social District. Pursuant to section 561.20(2)(b), Florida Statutes, the City does hereby create and establish a specialty center, to be known as the Downtown Panama City Social District, as that term is defined by the Florida Statutes around the area set forth and designated on Exhibit "A".

C. Regulation of Alcoholic Beverages within ~~Bayfront~~ Downtown Specialty Center Panama City Social District. Possession and consumption of alcoholic beverages with the ~~Bayfront~~ Downtown Specialty Center Panama City Social District shall be subject to the following regulations.

1. Hours. A person who legally obtains an alcoholic beverage from a Licensed Premise within the ~~Bayfront~~ Downtown Specialty Center Panama City Social District may possess and consume the alcoholic beverage in an Approved Container within the boundaries of the ~~Bayfront~~ Downtown Specialty

~~Center~~DPCSD between the hours of ~~10~~9:00 a.m. to ~~10~~12:00 ~~pa~~.m. the following day.

2. Entry into Businesses. A person with an alcoholic beverage in an Approved Container may enter an open business within the boundaries of the BDSGDPCSD with an Approved Container only if that business allows patrons with Open Container upon its property premises. Any business which permits a person to enter its premise with an Open Container shall conspicuously display signage indicating such permission on all points of public egress. A person with an Approved Container may not enter a Licensed Premise.
3. Two Container Maximum. A person may not possess or consume more than two (2) Approved Containers at any given time.
4. Prohibited Consumption Areas: Except when permitted pursuant to the terms of a Special Event Permit pursuant to Chapter 17 of the City's Code of Ordinance, no person shall possess or consumer alcoholic beverages within the boundaries of:
 - i. Any public park which is other included in the boundaries of the BDSGDPCSD.
 - ii. Any unimproved property within the boundaries of the BSDGDPCSD without the express permission of the property owner.
5. No Outside Beverages. No alcoholic beverage may be possessed or consumed within the BDSGDPCSD unless it has been purchased from a Licensed Premise and is contained in an Approved Open Container bearing ~~a time stamped~~an adhesive sticker ~~dated no later than twelve hours from approved by the time of possession and consumption.~~Downtown Improvement Board.

D. Enforcement

- a. Unless done in strict compliance with the provisions of this section, any open container or consumption of alcoholic beverages within the BDSGDPCSD shall be unlawful and violation of this section.
- b. The City finds that a violation of any section of this section presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature
- c. A violation of this section shall be subject to the following fines:
 - i. If the violation is the first offense, a person or business shall receive a civil fine of two hundred fifty dollars (\$250.00);
 - ii. If the violation is the second violation within the preceding six (6) months, a person or business shall receive a civil fine of five hundred dollars (\$500.00);
 - iii. If the violation is the third or subsequent violation within the preceding twelve months (12) months, a person or business shall receive a civil fine of one thousand dollars (\$1,000.00).

SECTION 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 7. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Panama City, Florida, this ____ day of _____, 2023.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this _____ day of
_____, 2023.

—

MAYOR

Exhibit C

ORDINANCE NO. ~~XXXX~~3180

AN ORDINANCE OF THE CITY OF PANAMA CITY, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO SPECIAL TREATMENT ZONES AND OVERLAYS; CREATING THE DOWNTOWN PANAMA CITY SOCIAL DISTRICT; PROVIDING FOR EXCEPTIONS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

~~WHEREAS,~~

WHEREAS, the City of Panama City finds that a designated specialty center in the downtown area would encourage development and growth, foster community cooperation, and encourage mutually sponsored events among the downtown merchants; and

WHEREAS, the City of Panama City desires to adopt codes and regulations that will encourage the development of businesses and commerce within the City; and

WHEREAS, the City of Panama City desires to amend the land development code and the municipal code to enhance and further the goals outlined above; and

WHEREAS, the City of Panama City hereby finds and determines that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the public health, safety, morals and welfare of the public.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PANAMA CITY:

SECTION 1. From and after the effective date of this ordinance, Chapter 3 Section 3 of the Code of Ordinances of the City of Panama City, related to Alcoholic Beverages is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

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- (b) *Exceptions.* A request for an exception shall be made simultaneously with a request for use of the public way. Any individual or entity possessing, consuming, purchasing or selling alcoholic beverages pursuant to city commission approval shall do so only in designated areas and only during designated time periods and shall do so in full compliance with all municipal and state laws and regulations.
- (c) *Additional rules.* The chief of police or his designee shall compose rules regulating the approved use of alcoholic beverages in or upon public ways and submit them to the city commission for approval. Such rules shall automatically become a part of this section by reference. Amendments to the rules shall be subject to city commission approval.
- (d) **Downtown Panama City Social District Exception. Alcoholic beverages may be possessed and consumed within the boundaries of the Downtown Panama City Social District, as defined in Section 104-68 of the City's unified Land Development Code, as long as the possession and consumption is in compliance with the regulations set forth in that section.**

SECTION 2. From and after the effective date of this ordinance,

Chapter 3 Section 4 of the Code of Ordinances of the City of Panama City, related to Alcoholic Beverages is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 3-4. Possession or consumption of alcoholic beverages in commercial parking lots; civil penalties.

- (a) It shall be unlawful for any person to possess an open container of any alcoholic beverage or substance or to drink or otherwise consume any alcoholic beverage or substance within the confines of any commercial parking lot located within the city, unless the parking lot is properly permitted for such possession and consumption by state license or approved city special event permit. "Commercial parking lot" shall mean a parking lot or vehicular use area associated with a commercial activity or business use.
- (b) Any person violating any of the provisions of this section shall be guilty of an offense and subject to the penalties provided for in section 1-8 of this Code.
- (c) **Downtown Panama City Social District Exception. Open containers of alcoholic beverages may be possessed and consumed within the boundaries of the Downtown Panama City Social District, as defined in Section 104-68 of the City's unified Land Development Code, as long as the possession and consumption is in compliance with the regulations set forth in that section.**

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- (a) *"Alcoholic beverage"* means all beverages containing more than one percent of alcohol by weight;

- (b) The manufacturer's label on the beverage container shall be prima facie evidence that the substance in such container was and is an alcoholic beverage as defined in this section;
- (c) Any person or persons who by experience in the past in the handling or use of alcoholic beverages, or who by taste, smell, or the drinking of such beverages has knowledge as to the alcoholic nature thereof, may testify as to his opinion whether such beverage is or is not alcoholic;
- (d) Without permission of the city by permit, licensure or otherwise it is unlawful for person or entity to possess an open container having alcohol therein or to consume, purchase or sell or distribute an alcoholic beverage in or on public properties, i.e., streets, sidewalks, marinas, parks, building and other public venues. Public properties would include premises leased by city.
- (e) **Downtown Panama City Social District Exception. Open containers of alcoholic beverages may be possessed and consumed within the boundaries of the Downtown Panama City Social District, as defined in Section 104-68 of the City's unified Land Development Code, as long as the possession and consumption is in compliance with the regulations set forth in that section.**

SECTION 4. From and after the effective date of this ordinance, Chapter 104, Article III, Section 68 of the Unified Land Development Code of the City of Panama City, related to ~~Specialty Centers~~Special Treatment Zones and Overlays is created to read as follows:

Sec. 104-68. – Downtown Panama City Social District

A. - Definitions.

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Alcoholic Beverage* means distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume.
2. *Approved Container* means a plastic, paper, or composite container of an alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken, that either bears the Downtown Improvement Board logo, or has an approved adhesive sticker approved by the Downtown

Improvement Board affixed to it, holds a volume of not more than (16) ounces and has been approved by the Downtown Improvement Board for use in the Downtown Panama City Social District-

3. *Downtown Panama City Social District* (the "DPCSD") means the area of real property as shown on Exhibit A.
4. *Licensed Premises* means the area, rooms or other spaces of any property which are licensed by the State of Florida for the storage, sale, or dispensing of alcoholic beverages.
5. *Licensee* means a legal or business entity, person, or persons that hold a license issued by the State of Florida for the sale of alcoholic beverages.
6. *Open container* means any container of an alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken.

B. Creation of Downtown Panama City Social District. Pursuant to section 561.20(2)(b), Florida Statutes, the City does hereby create and establish a ~~specialty center~~Specialty Center, to be known as the Downtown Panama City Social District, as that term is defined by the Florida Statutes around the area set forth and designated on Exhibit "A".

C. Regulation of Alcoholic Beverages within Downtown Panama City Social District. Possession and consumption of alcoholic beverages within the Downtown Panama City Social District shall be subject to the following regulations.

1. Hours. A person who legally obtains an alcoholic beverage from a Licensed Premise within the Downtown Panama City Social District may possess and consume the alcoholic beverage in an Approved Container within the boundaries of the ~~DPCSD~~Downtown Panama City Social District between the hours of 9:00 a.m. to ~~12:00 a~~11:59 p.m. the ~~following~~same day.
2. Entry into Businesses. A person with an alcoholic beverage in an Approved Container may enter an open business within the boundaries of the DPCSD with an Approved Container only if that business allows patrons with Open Container upon its premises. Any business which permits a person to enter its premise with an Open Container shall conspicuously display signage indicating such permission on all points of public egress. A person with an Approved Container may not enter a Licensed Premise.
3. Two Container Maximum. A person may not possess or consume more than two (2) Approved Containers at any given time.
4. Prohibited Consumption Areas: Except when permitted pursuant to the terms of a Special Event Permit pursuant to Chapter 17 of the City's Code of Ordinance, no person shall possess or consumer alcoholic beverages within the boundaries of:

- i. Any public park which is ~~other~~ included in the boundaries of the DPCSD.
 - ii. Any unimproved property within the boundaries of the DPCSD without the express permission of the property owner.
- 5. No Outside Beverages. No alcoholic beverage may be possessed or consumed within the DPCSD unless it has been purchased from a Licensed Premise and is contained in an Approved Open Container bearing an adhesive sticker approved by the Downtown Improvement Board.

D. Enforcement

- a. Unless done in strict compliance with the provisions of this section, any open container or consumption of alcoholic beverages within the DPCSD shall be unlawful and a violation of this section.
- b. The City finds that a violation of any section of this section presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.
- c. A violation of this section shall be subject to the following fines:
 - i. If the violation is the first offense, a person or business shall receive a civil fine of two hundred fifty dollars (\$250.00);
 - ii. If the violation is the second violation within the preceding six (6) months, a person or business shall receive a civil fine of five hundred dollars (\$500.00);
 - iii. If the violation is the third or subsequent violation within the preceding twelve months (12) months, a person or business shall receive a civil fine of one thousand dollars (\$1,000.00).

SECTION 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the

matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 7. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Panama City, Florida, this ____ day of _____, 2023.

ATTEST:

CITY CLERK

MAYOR

~~EXAMINED AND APPROVED by me this ____ day of _____, 2023.~~

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MAYOR

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